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To the Honorable Representative Robin Weisz, Chairman of the Health Care Committee, and Committee members,

This report provides a brief summation of the test methods and performance standards for the reduced ignition propensity standards for cigarettes under N.D.C.C. Chapter 18-13. Pursuant to Section 18-13-02, the State Fire Marshal must review the effectiveness of the section and report any findings or recommendations to improve the effectiveness of this section.

#### **Test Methods and Performance Standards**

Section 18-13-02 requires all cigarettes sold or offered for sale in the State of North Dakota to be tested in accordance with the American Society of Testing and Materials (ASTM) E2187-04.

“The test method uses standard substrates to determine the extent to which, as the substrate draws heat from the cigarette, the cigarette combustion remains strong enough to be capable of initiating a fire.” (ASTM E2187-20a, p. 1)

#### **Concerns**

Although Chapter 18-13 requires use of ASTM E2187-04, the current version of the test method is ASTM 2187-20a, which was adopted by ASTM in 2020. The document is scheduled to be updated every four years through ASTM. Though the significance of the changes between the 2004 version and the 2020 version may be small, it is important to remain current with standards and maintain the most effective level of safety in our state.

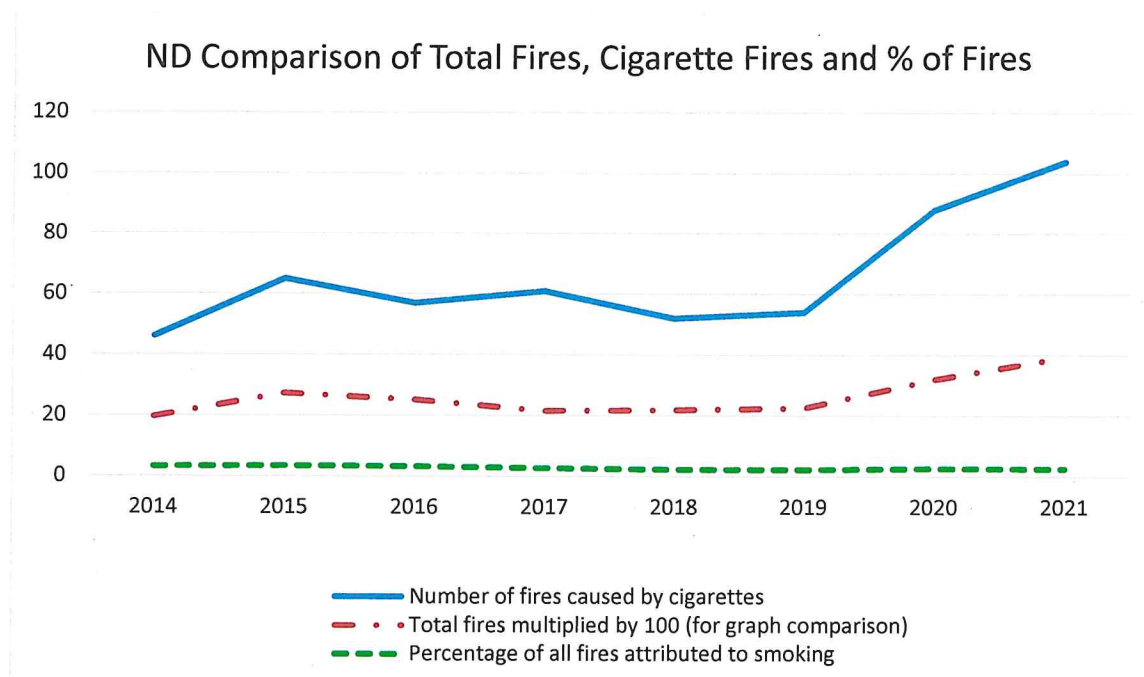
#### **Program Effectiveness in North Dakota**

According to numbers collected through the National Fire Incident Reporting System (NFIRS) the following information was reported for the eight years before the adoption of the fire safer cigarette legislation and the eight most recent years of data available regarding cigarettes as the heat source contributing to ignition:

<b>Years of data:</b>	<b>2002 - 2009</b>	<b>2014-2021</b>
Total cigarette fires	223	532
Structure fires	138	311
Vehicle fires	16	18
Other fires	69	203
Fire related injuries	17	9
Civilian injuries	15	3
Fire service injuries	2	6
Fire related deaths	8	3
Civilian deaths	8	3
Fire service deaths	0	0

As can be seen in the numbers, there was a rise in fires caused by cigarettes from 2014-2021 but a lower number of fire injuries and deaths related to cigarette fires.

In-state statistics were gathered from NFIRS to compare fires caused by cigarettes, total fires, and the percentage of smoking fires each year from 2014-2021. The results are displayed in the chart below.



The chart above shows a rise in fires reported and fires reported to be caused by cigarettes, and a relatively stable percentage of fires caused by cigarettes. Though not included in this chart, there also has been a recent increase in the number of fire departments reporting fires to NFIRS. Since 2018, fire reporting by fire departments has increased approximately twenty percent.

### **Program Effectiveness Nationally**

A review of fire statistics available from the United States Fire Administration's "Fire in the United States 2006-2015 (20<sup>th</sup> Edition), shows the following data from "Overall Fires and Losses (10-year trends, 2008-2017)".

- Total fires decreased 6%
- Fire deaths increased 10%
- Fire injuries decreased 16%
- Fire dollar loss increased 21%

Residential Building smoking fire trends also show the following data available from the United States Fire Administration "(Residential Building Fire Trends (2008-2017)".

- Total fires increased 0.1%
- Fire deaths decreased 12%
- Fire injuries decreased of 30%
- Fire dollar loss decreased 36%

Considering all of the data that we have been able to review to date, the effectiveness of the fire safer cigarette program is difficult to decipher. The number of reported fires caused by cigarettes has increased in recent years, but so has the overall number of fires reported.

### **Certification Results**

The following was collected by the ND State Fire marshal's Office regarding the Fire Safer Cigarette Program as of May 25, 2022.

Total number of cigarettes certified since the program's inception (2010) – **1,514**

Total number of locations that sell certified cigarettes – **1,362**

Total number of dollars collected since the program's inception – **\$1,064,500.00**

Number of cigarettes currently certified – **1,077**

Number of cigarettes certified in 2020 - **161**

Amount of money brought into FSC Fund (2020) – **\$40, 250**

Number of cigarettes certified in 2021 – **204**

Amount of money the program brought into the budget (2021) – **\$51,000**

Non-compliant cigarettes identified or confiscated in 2020 and 2021 - **0**

### **Recommendation**

After review of the report, I have one recommendation to improve the effectiveness of the law on reduced ignition propensity standards for cigarettes pursuant to Section 18-13-02.

1. It is recommended consideration be given to updating the language of the N.D.C.C. 18-13-02(1)(a) to include "ASTM E2187-04 or the most current standard test method under designation E2187 (Standard test method for measuring the ignition strength of cigarettes)". This change in wording would clarify the standard to be used, and enable the State Fire Marshal's Office to enforce the most current and safest standards.

### **References**

National Incident Reporting System (NFIRS), Local statistics provided by North Dakota State Fire Marshal's Office.

United States Fire Administration (USFA). "Fire in the United States 2008-2017". 20<sup>th</sup> Edition. November, 2019. National Fire Data Center.

United States Fire Administration (USFA). "Residential Building Fire Trends (2008-2017)". May, 2019. National Fire Data Center.

American Society for Testing and Materials (ASTM). Designation: E2187-20a.  
"Standard Test Method for Measuring the Ignition Strength of Cigarettes".